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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,389	07/02/2003	Seung Don Seo	U 014702-2	3205
140	7590	01/03/2007	EXAMINER	
LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023			DWIVEDI, VIKANSHA S	
			ART UNIT	PAPER NUMBER
			3746	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/03/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/612,389	<b>Applicant(s)</b> SEO, SEUNG DON	
	<b>Examiner</b> Vikansha S. Dwivedi	<b>Art Unit</b> 3746	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US Patent application publication US2001/0021350 A1) in view of Seo (Korean Publication Number 2002013355).

Kim discloses a hermetic compressor (As shown in Figure 1), comprising: a hermetic casing (10) to house therein a drive unit to generate a drive power and a compression unit to suck and compress a gas refrigerant by use of the drive power output from the drive unit (Page 2, Column 1, Detailed description of the preferred embodiment); and a damping unit (40) to elastically support the hermetic casing with predetermined elasticity, thus changing a resonant frequency of the hermetic casing; wherein the hermetic casing comprises upper and lower casing parts assembled into a single body (Upper and lower shells 11 and 12), and the damping unit is provided at, at least one of the upper and lower casing parts (Figure 1); wherein the damping unit comprises: a mounting part at which the damping unit is mounted to the hermetic casing (Crankshaft stopper 50); and an elastic support part provided in a state of being elastically deformed to elastically support the hermetic casing (Combination of 40 and 50); wherein the mounting part (50) of the damping unit is mounted to the hermetic casing through a spot

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welding process (Page 2 Column 2, discloses that 40 is adhered to shell 11 by welding); wherein the elastic support part (42) comprises a flange part projected in a direction to a length which exceeds a plane aligned with a surface of the mounting part (Figure 2 and 3), the flange part thus elastically supporting the hermetic casing in the state of being elastically deformed. Kim does not disclose an elastic support part that comprises of a wing part to connect the flange part to the mounting part, the wing part being rounded in a direction opposite to a projected direction of the flange part. Seo ('355) discloses an elastic support part that comprises of a wing part (145) to connect the flange part (ends of part 145 as Shown in Figure 4) to the mounting part (143c), the wing part being rounded in a direction opposite to a projected direction of the flange part (Figure 4) and the said elastic part includes two rounded wing parts (Figure 4) extending in opposite directions. At the time of invention was made, it would have been obvious, to one of ordinary skill in the art, to use the teachings of Kim to design a noise dampener in view of the shape of stopper/dampener as disclosed by Seo ('355) to come up with a design that is easier to install and manufacture.

### ***Response to Arguments***

Applicant's arguments filed on 11/13/2006 have been fully considered but they are not persuasive. Kim discloses the mounting part (50) of the damping unit is mounted to the hermetic casing through a spot welding process (Page 2 Column 2, discloses that 40 is adhered to shell 11 by welding); wherein the elastic support part (42) comprises a flange part projected in a direction to a length which exceeds a plane aligned with a

surface of the mounting part (Figure 2 and 3), the flange part thus elastically supporting the hermetic casing in the state of being elastically deformed. Kim does not disclose an elastic support part that comprises of a wing part to connect the flange part to the mounting part, the wing part being rounded in a direction opposite to a projected direction of the flange part. Seo ('355) discloses an elastic support part that comprises of a wing part (145) to connect the flange part (ends of part 145 as Shown in Figure 4) to the mounting part (143c), the wing part being rounded in a direction opposite to a projected direction of the flange part (Figure 4) and the said elastic part includes two rounded wing parts (Figure 4) extending in opposite directions. At the time of invention was made, it would have been obvious, to one of ordinary skill in the art, to use the teachings of Kim to design a noise dampener in view of the shape of stopper/dampener as disclosed by Seo ('355) to come up with a design that is easier to install and manufacture

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikansha S. Dwivedi whose telephone number is 571-272-7834. The examiner can normally be reached on M-F, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



VSD  
December 22, 2006



**EHUD GARTENBERG**  
SUPERVISORY PATENT EXAMINER